

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

TIMOTHY J. DUNMIRE, Plaintiff	:	NO. 2:05-CV-00081
	:	
v.	:	JUDGE SCHILLER
	:	
STEPHEN M. DETZ and ERIC ZIMMERMAN, Defendants	:	JURY TRIAL DEMANDED

**PROPOSED VOIR DIRE QUESTIONS**

(The following Voir Dire Questions have been agreed to by all counsel)

1. Have any of you ever previously served on a jury?
  - (a) If so, was it a criminal or a civil case?
  - (b) If it was a civil case, what was the outcome of that case?
  
2. Have any of you had any legal training or education of any type?
  - (a) What was the nature and extent of that training?
  - (b) When did that training occur?
  
3. Are you or any member of your immediate family acquainted with the Plaintiff,  
Timothy J. Dunmire of Lititz, Pennsylvania?

- (a) If so, how are you acquainted with Plaintiff?
- (b) Would that relationship affect your ability to render a fair and impartial verdict in this case?

4. Are you or any member of your immediate family acquainted with Plaintiff's counsel, Harry W. Fenton, from Lebanon, or his firm, Reilly, Wolfson, Sheffey, Schrum & Lundberg, LLP, or have you or any member of your immediate family ever been represented by Attorney Fenton and/or his firm?

- (a) Would that relationship affect your ability to render a fair and impartial verdict in this case?
- (b) If you were represented by Attorney Fenton or his firm, when was that representation and what was the nature of that representation?
- (c) Would the fact that you were represented by Attorney Fenton and/or his firm affect your ability to render a fair and impartial verdict in this case?

5. Are you or any member of your immediate family acquainted with the Defendants, Officer Stephen Detz of the Borough of Lititz Police Department and Officer Eric Zimmerman of the Warwick Township Police Department?

- (a) If so, how are you acquainted with the Defendants?
- (b) Would that relationship affect your ability to render a fair and impartial verdict in this case?

6. Are you or any member of your immediate family acquainted with Defendants' attorney, Robert G. Hanna, Jr. or his firm, Lavery, Faherty, Young & Patterson, and have you or any member of your immediate family ever been represented by Attorney Hanna or his firm?

- (a) If so, how are you acquainted with that attorney or firm?
- (b) Would that relationship affect your ability to render a fair and impartial verdict in this case?
- (c) If you were represented by Attorney Hanna or his firm, when was that representation and what was the nature of that representation?
- (d) Would the fact that you were represented by Attorney Hanna and/or his firm affect your ability to render a fair and impartial verdict in this case?

7. Are you or any member of your immediate family acquainted with Defendant Zimmerman's attorney, Craig M. Straw, or his firm, Deasey, Mahoney & Bender, Ltd. and have you or any member of your immediate family ever been represented by Attorney Straw or his firm?

- (a) If so, how are you acquainted with that attorney or firm?
- (b) Would that relationship affect your ability to render a fair and impartial verdict in this case?
- (c) If you were represented by Attorney Straw or his firm, when was that representation and what was the nature of that representation?

- (d) Would the fact that you were represented by Attorney Straw and/or his firm affect your ability to render a fair and impartial verdict in this case?

8. The parties have indicated that the following individuals may be called as witnesses during the trial of this matter:

- (a) Timothy Dunmire
- (b) Eric Zimmerman
- (c) Stephen M. Detz
- (d) Aaron Yoder, Lititz, Pennsylvania
- (e) Nicole Hershman, Lititz, Pennsylvania
- (f) Erin Krushinski, Lititz, Pennsylvania
- (g) Andrew Bolton, Lititz, Pennsylvania
- (h) Troy A. Whitmyer, Lititz, Pennsylvania
- (i) James Anton, Lititz, Pennsylvania.

Are you or any member of your immediate family acquainted with any of the witnesses who may testify in this case?

- (a) If so, how are you acquainted with that person?
- (b) Would that relationship affect your ability to render a fair and impartial verdict in this case?

9. What is your occupation and your spouse's occupation?
10. Do you belong to any civic organizations or recreational groups?
  - (a) If so, do you hold any offices?
  - (b) What are the functions of the group?
11. Have you or any member of your immediate family ever initiated a claim for personal injuries against anyone?
  - (a) If so, what was the nature of the claim and how was the claim resolved?
  - (b) Would that prior claim for personal injuries affect your ability to render a fair and impartial verdict in this case?
12. Have you or any member of immediate family ever initiated a lawsuit against a local government official, a local government entity, a police department and/or a police official?
  - (a) If so, what was the nature of claim and how was the claim resolved?
  - (b) Would the fact that you had initiated a prior lawsuit against a local government entity, local governmental official, a police department and/or prison official affect your ability to render a fair and impartial verdict in this case?

13. Have you or any member of your immediate family ever been arrested or detained by any police department for anything other than a minor traffic offense?

- (a) If so, **[AT PRIVATE SIDEBAR]**, when and by whom were you and/or your immediate family member arrested?
- (b) If so, **[AT PRIVATE SIDEBAR]**, what was the nature of the charge and what was the outcome?
- (c) If so, **[AT PRIVATE SIDEBAR]**, would the fact that you or a member of your immediate family had been arrested or detained by a police department affect your ability to render a fair and impartial verdict in this case?

14. Have you or any member of your immediate family ever experienced problems with or lodged complaints against any other municipality, local elected official, police department and/or any person employed by any municipality, local elected official and/or police department?

- (a) If so, **[AT PRIVATE SIDEBAR]**, what was the nature of the problem or complaint, and how was it resolved?
- (b) **[AT PRIVATE SIDEBAR]** Would the fact that you or a member of your immediate family lodged a complaint against any other municipality, local elected official, police department and/or any employee thereof, affect your ability to render a fair and impartial verdict in the case?

- (c) If so, **[AT PRIVATE SIDEBAR]** did any of these problems involve the Borough of Lititz Police Department, Stephen Detz, Warwick Township Police Department, or Eric Zimmerman?

15. Have you read any newspaper articles or heard anything on the radio and/or television about this case?

- (a) If so, **[AT PRIVATE SIDEBAR]** what did you hear, read and/or see about this case?
- (b) If so, **[AT PRIVATE SIDEBAR]** would your ability to render a fair and impartial verdict in this case be influenced by what you heard, read or saw about this case?

16. Have you or any member of your immediate family ever been convicted of a criminal offense, other than a minor traffic offense?

- (a) If so **[AT PRIVATE SIDEBAR]** when were you or your family member convicted and what was the nature of the charge?
- (b) **[AT PRIVATE SIDEBAR]** Would the fact that you or a member of your immediate family was convicted of a criminal offense, other than a minor traffic offense, affect your ability to render a fair and impartial verdict in this case?

17. Would any of you not be able to return a verdict in favor of Defendants, Officer Stephen M. Detz and/or Officer Eric Zimmerman, if warranted by the evidence, due to a dislike of municipal governments, police departments or police officers?

18. Do any of you believe that there are no circumstances under which a police officer may enter a home without a warrant?

(a) If so, would that belief affect your ability to render a fair and impartial verdict in this case based upon the evidence presented and the law as given to you by Judge Schiller?

19. Do any of you believe that there are no circumstances under which a police officer may handcuff an individual detained during an investigation?

(a) If so, would that belief affect your ability to render a fair and impartial verdict in this case based upon the evidence presented and the law as given to you by Judge Schiller?

20. Do any of you believe that the mere fact that the Plaintiff has filed a Complaint against Defendants alleging a violation of his constitutional rights, that the Defendants must have done something wrong and that Plaintiff is entitled to a recovery of money damages?

21. Has any prospective juror, juror family member, close friend or neighbor ever been a victim of a crime of violence?



- (a) If so **[AT PRIVATE SIDEBAR]** what was the nature of the crime?
- (b) **[AT PRIVATE SIDEBAR]** Would the fact affect your ability to render a fair and impartial verdict in this case?

22. Has any prospective juror had an experience with a city, township or other governmental entity or a police officer employed by same that would affect the prospective juror's ability to be fair and impartial in this matter?

- (a) If so **[AT PRIVATE SIDEBAR]** what was the nature of the experience?
- (b) **[AT PRIVATE SIDEBAR]** Would the fact affect your ability to render a fair and impartial verdict in this case?

23. Would you be more likely to believe the testimony of a police officer or other law enforcement officer because of his or her job?

24. Would you be less likely to believe the testimony of a police officer or other law enforcement officer because of his or her job?

25. Do any of you know of any reason whatsoever why you could not sit as a fair and impartial juror in this case and come to a verdict solely on the basis of the evidence presented in this courtroom and the instructions on the law, which were given to you by the Judge?

26. Defendant Detz requests the right to ask reasonable follow-up questions as warranted on the jurors' responses to the foregoing voir dire questions.

Respectfully submitted,

Lavery, Faherty, Young & Patterson, P.C.

By: /s/ Robert G. Hanna, Jr.

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Attys for Defendant Detz

DATE: September 20, 2005

Reilly, Wolfson, Sheffley, Schrum  
and Lundberg, LLP

By: /s/ Harry W. Fenton

Harry W. Fenton, Esquire  
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Atty No. PA55656  
Attys for Plaintiff

DATE: September 20, 2005

Deasey, Mahoney & Bender, Ltd.

By: /s/ Craig M. Straw

Craig M. Straw, Esquire  
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Philadelphia, PA 19103  
Atty No. PA78212  
Attys for Defendant Zimmerman

DATE: September 20, 2005

**CERTIFICATE OF SERVICE**

I, Blanche A. Morrison, an employee with the law firm of Lavery, Faherty, Young & Patterson, P.C., do hereby certify that on this 20<sup>th</sup> day of September, 2005, I served a true and correct copy of the foregoing **Proposed Voir Dire Questions**, via electronic filing as follows:

Harry W. Fenton, Esquire  
Reilly, Wolfson, Sheffley, Schrum and Lundberg, LLP  
1601 Cornwall Road  
Lebanon, PA 17042  
*Attorneys for Plaintiffs*

Craig M. Straw, Esquire  
Deasey, Mahoney & Bender, Ltd.  
1800 JFK Boulevard, Suite 1300  
Philadelphia, PA 19103  
*Attorneys for Defendant Zimmerman*

/s/ Blanche A. Morrison  
Blanche A. Morrison, Legal Secretary  
to Robert G. Hanna, Jr., Esquire

This document has also been electronically filed and is available for viewing and downloading from the ECF system.